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VIA ECF

Magistrate Judge Sarah Cave
U.S. District Court
Southern District of New York

Defendant's request for a discovery conference at ECF No. 28 (the "Letter") is GRANTED. The issues raised in the Letter will be discussed at the telephone conference scheduled for Friday, November 3, 2023. By **November 1, 2023**, Plaintiff may file a letter in response to the Letter. By **November 2, 2023**, Defendant may file a letter in reply.

The Clerk of Court is respectfully directed to close ECF No. 28.

SO ORDERED. 10/30/2023



SARAH L. CAVE
United States Magistrate Judge

Re: *Alejandro Gonzalez v. Speedway LLC*
Index No. 1:23-cv-00221 (PAE-SLC)
RR File No.: 9949-10030

Dear Judge Cave:

Our firm represents Defendant, Speedway LLC ("Speedway" or "Defendant"), in this matter. We respectfully request a Discovery Conference in accordance with Your Honor's Individual Practice Rules, Section II(C)(2).

Defendants seek information and documents related to payment of Plaintiff's medical bills for the treatment he received as a result of the accident, including identity of all persons and entities who paid for his treatment, an accounting of the amounts paid on Plaintiff's behalf, communications and/or agreements with these third-parties, and disclosure of litigation funding agreement(s).¹ Despite good faith efforts, the parties are unable to resolve this dispute without Court intervention.

As will be set forth below, the discovery bears directly on Plaintiff's claim for economic damages and is proportional to the needs of the case.

I. Relevant Facts and Summary of Dispute

Plaintiff claims that on June 21, 2022, he tripped on a broken sidewalk while walking in front of a Speedway in the Bronx. Plaintiff claims very serious injuries to multiple areas of his body including multi-level disc herniations to his cervical spine and lumbar spine. An orthopedist, Dr. Michael Gerling, performed an anterior cervical discectomy and fusion in November 2022, and a bi-level lumbar

¹ A copy of Defendant's Second Request for Production of Documents dated September 7, 2023 is attached as **Exhibit "A"** and a copy of Plaintiff's Response, without exhibits, is attached as **Exhibit "B."**